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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,501	04/17/2001	Lawrence M. Kaplan	N0089US	8539

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NAVIGATION TECHNOLOGIES
222 MERCHANDISE MART
SUITE 900, PATENT DEPT.
CHICAGO, IL 60654

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,501

Applicant(s)

KAPLAN, LAWRENCE M.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17, 20-33, 35-41 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 34 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, 20-23, 24-33, 35, 40-41, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (U.S. Patent No. 6,338,020) in view of Seibel (U.S. Patent No. 6,484,092).

Hashimoto discloses a mobile device for providing navigation-related service to a user, wherein the device comprises a memory (18) for storing geographic data to provide navigation services and for storing wireless coverage data to identify a wireless coverage area (figures 1 and 2) and a processor (control unit, 16) operatively coupled to the memory (figure 1) to wirelessly download geographic data and store the geographic data in the memory (column 2). According to Hashimoto, when the user uses the geographic data to travel to a destination, before the user is expected to travel beyond the wireless coverage area (column 1, lines 54-56), the processor wirelessly downloads sufficient geographic data for the uncovered wireless coverage areas through which the user is expected to travel. See abstract, columns 4-5. As described in columns 1 and 3, more particularly, the processor automatically downloads sufficient data for the

Art Unit: 3661

uncovered areas through which the user is expected to travel (i.e., based on a guide route from a current position to a destination). Hashimoto further discloses that the processor provides real-time features relying on the availability of data wirelessly using data that have been downloaded prior to leaving the wireless coverage area or entering the uncovered wireless data. Furthermore, as described in column 1, the processor provides the real-time features for a period of time until they become obsolete, i.e., when the data or information is no longer necessary. See also column 4. Hashimoto also discloses downloading data representing types of geographic features (e.g., gas stations, restaurants, etc.) See column 1. In columns 3 and 4, Hashimoto discloses downloading road segment data. Though Hashimoto discloses the processor wirelessly downloads sufficient geographic data and also as stated in the abstract that information can be acquired from an external information center upon request via a communication device (assuming it is all wireless). Hashimoto does not specifically disclose obtaining wireless navigation services coverage data. In an analogous art, Seibel discloses a method and system for dynamic and interactive route finding wherein it discloses a obtaining wireless navigation services coverage data (See col. 2, lines 41-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Hashimoto with that of Seibel by obtaining wireless navigation services coverage data in order to provide an interactive navigation system that gives desired route information.

Claims 8-10, 14-17, 20-23, 24-33, 35-41, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (U.S. Patent No. 6,400,690) in view of Hashimoto (U.S. Patent No. 6,338,020).

Liu et al discloses a dual map system for navigation and wireless communication, wherein a user using a computing device (1 10) establishes a wireless communication link through a wireless communications device (1 15) with a remotely located navigation services provider (101). According to Liu et al, as set forth in the abstract and column 2, for example, the user obtains wireless coverage data from the remotely located navigation service provider for establishing a wireless communications link and obtains wireless navigation services coverage data for the remotely located navigation service provider. According to Liu et al, the wireless navigation services coverage data indicated areas in which navigation-related are available or unavailable wireless. See abstract. The system includes a coverage manager for indicating areas in which navigation-related data from the navigation services provider are available or unavailable wirelessly, i.e., the system indicates the user whether he/she is an area covered wirelessly. See columns 3 and 4. Liu et al further discloses an output device (111), such as a display (column 2) for displaying, on a screen, areas in which navigation related data from the services providers are available or unavailable wirelessly. Furthermore, Liu et al discloses, as described in the abstract and column 2, in particular, providing a warning to the user that he is or he is out of an area covered wirelessly by the navigation related services provider. The output device (111) of Liu et al can be a speaker or a display; thereby the warning is provider either audibly or

Art Unit: 3661

visually. See columns 2-3. In column 4, Liu et al discloses that the coverage manager interacts with a GPS for predicting the future wireless coverage, wherein the coverage manager notifies the user that he/she will soon lose coverage or soon will regain coverage and then the coverage manager refines the coverage map. That is, the coverage manager downloads data for a second area prior to leaving a first area. As further described in columns 4 and 5, the second area corresponds to a destination to which the user is traveling and which is located outside the first area. Also, the second area corresponds to a portion of a route on which the user's vehicle is located.

Liu et al, in column 3, discloses that the storage device stores navigation/street map and wireless coverage map, which are used to generate route map for the vehicle. Although the navigation/street map and coverage map are disclosed, Liu et al does not particularly disclose the data downloaded when the wireless coverage is unavailable are navigation-related data.

Hashimoto, on the other hand, discloses a vehicle information acquisition system including capability to obtain information in blind spots, i.e., in areas wherein wireless coverage is not available. According to Hashimoto, map information, such as streets, main roads, facilities (gas stations, restaurants), are downloaded. See column 4.

Hashimoto also discloses a display for displaying areas in which navigations-related data are available or unavailable wirelessly. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the wireless coverage communication system of Liu et al by incorporating the navigation-related data from the vehicle information acquisition system of Hashimoto because such

Art Unit: 3661

modification, as suggested by Hashimoto in column 1, would provide a system in which map information can be used even in areas where wireless coverage is not available, thereby enabling the vehicle to keep running smoothly.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al in view of Hashimoto, and further view of Pu et al (6,292,743)

Liu et al, nor Hashimoto, does not particularly disclose highlighting or coloring of the map data and indicating boundaries, Pu et al, on the other hand, discloses a mobile navigation system, which establishes a wireless communication with a navigation server, wherein the map data that are available or unavailable are highlighted. Also, according to Pu et al, there is provided an indication of the boundaries where the data are available. See for example column 10. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the combination of Liu et al and Hashimoto by incorporating the features from the mobile navigation system of Pu et al, such modification, will eliminate or reduce the burden on the user.

Allowable Subject Matter

Claims 18, 19, 34, 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Art Unit: 3661

Applicant's arguments with respect to claims 8-46 have been considered but are moot in view of the new ground(s) of rejection.

REMARKS

With regard to Applicant's representative arguments submitted on July 7, 2005, Applicant's representative argues that the reference Hashimoto does not disclose "obtaining wireless navigation services coverage data". Although it is believed that Hashimoto discloses a wireless system but does not show specifically that it is wireless, the rejection under 102 has been changed to 103 in view of the reference Siebel to show wireless navigation services provided to users locally or remotely. Also at page 12 of the argument, Applicant's representative argued that the Hashimoto reference " does not disclose "wireless navigation services coverage data" that indicates "areas in which navigation-related data" from the "navigation services provider" are "available wirelessly". It has been proven that the Siebel reference provides the availability of wireless communication.

At page 14 of the Applicant's arguments, it states that " Claim 24 is not anticipated by Hashimoto because Hashimoto does not disclose a "processor" that "wirelessly downloads" and "stores" "wireless coverage data to identify a wireless coverage area". However it is noted in the office action that Liu et al. disclose in column 4, downloading data prior to traveling beyond the wireless coverage area or leaving the covered wireless area). In addition to the teaching of Liu et al. Hashimoto also discloses downloading data prior to traveling beyond the wireless coverage area (column 6).

Applicant's representative also argues at page 17 or argument that "claim 20 is not obvious over the combination of Liu and Hashimoto; and also argues at page 19 of argument that " accordingly, even if Liu, Hashimoto and Pu were combined, the resultant combination would not disclose these missing limitations". In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the rejection is proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kozak et al. (U.S. Patent No. 6,317,685)

Robare et al. (U.S. Patent No. 6,292,745)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

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October 3, 2005

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUDE
PRIMARY EXAMINER